

Message Text

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DRAFTED BY EB/IFD/BP:TASCHLENKER:VJW

APPROVED BY EB/IFD/BP:HJWINTER

L/EB - JCROOK

EA/J - DFSMITH

JUSTICE - DROSENTHAL (SUBS)

FTC - WGRIMES (SUBS)

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

INFO USMISSION GENEVA

USMISSION OECD PARIS

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E.O 11652: N/A

TAGS: EGEN, JA

SUBJECT: ANTITRUST COOPERATION AGREEMENT

GENEVA FOR DAVIDOW, FISCHBACH AND BENSON

REF: STATE 271652

1. JAPANESE EMBASSY OFFICIALS IKEDA AND NANA O CALLED ON COUNTRY DESK OFFICER AND EB ANTITRUST LIAISON OFFICER DECEMBER 2 TO ELICIT DEPARTMENT STANCE RE POSSIBLE US-JAPANESE ANTITRUST COOPERATION BILATERAL. IKEDA RELATED THAT PRELIMINARY DRAFT AGREEMENT HAD BEEN SENT BY JUSTICE TO JAPANESE FAIR TRADE COMMISSION IN LATE 1975 AND THAT COPY OF US-FRG BILATERAL, TOGETHER WITH A LETTER FROM JUSTICE REQUESTING PRELIMINARY VIEWS ON SUCH AN AGREEMENT WITH JAPAN, HAD BEEN SENT IN SEPTEMBER 1976.

2. IN VIEW OF THESE APPROACHES IKEDA INDICATED THAT
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NEGOTIATIONS ON SUCH AN AGREEMENT, EVEN AT A PRELIMINARY

STAGE, SHOULD BE PUT IN PROPER DIPLOMATIC CHANNELS. HE
QUERIED IF JUSTICE HAD AUTHORITY TO NEGOTIATE FOREIGN
AGREEMENTS.

3. IT WAS EXPLAINED THAT DEPARTMENT HAD BEEN INVOLVED IN

MOST STAGES OF US-FRG BILATERAL NEGOTIATIONS AND ITS
APPROVAL AND COMPLETION OF DEPARTMENT'S CIRCULAR 175
PROCEDURE IS NECESSARY FOR OTHER USG EXECUTIVE AGENCIES
TO NEGOTIATE AND SIGN AGREEMENTS WITH FOREIGN GOVERN-
MENTS. COPY OF US-FRG BILATERAL HAD BEEN SENT TO JAPANESE
FAIR TRADE COMMISSIONER, AS WELL AS OTHER OECD MEMBER
STATES, AFTER DISCUSSION OF THIS UNIQUE AGREEMENT IN
JUNE MEETING OF OECD GROUP OF EXPERTS ON RESTRICTIVE
BUSINESS PRACTICES. DRAFT SENT IN 1975 WAS PROBABLY AN
EARLIER VERSION OF GERMAN AGREEMENT. (FYI: JUSTICE
LATER CONFIRMED THAT DRAFTS SENT TO JAPANESE IN SEPTEMBER
1975 AND FEBRUARY 1976 WERE EARLIER VERSIONS OF THE
GERMAN AGREEMENT, BUT WHEN DRAFT WAS REPRODUCED BY LEXA-
TRON, JAPAN WAS SUBSTITUTED FOR FRG.)

4. IKEDA SAID HE WAS PLEASED THAT SITUATION HAD BEEN
CLARIFIED. HE STATED THAT DEPT COULD CONSIDER HIS APPROACH
AS DEMONSTRATION OF GOJ INTEREST IN BEGINNING PRELIMINARY
DISCUSSIONS ON A BILATERAL AGREEMENT THROUGH DIPLOMATIC
CHANNELS AND ASKED FOR USG RESPONSE. PRIOR DIRECT
APPROACHES TO FAIR TRADE COMMISSION WOULD BE REGARDED BY
GOJ AS PRIVATE COMMUNICATIONS.

5. DEPARTMENT OFFICERS NOTED POSITIVE RESPONSE OF GOJ
AND ASSURED JAPANESE REPRESENTATIVES THAT FUTURE DIS-
CUSSIONS WOULD BE PLACED IN DIPLOMATIC CHANNELS.

6. DEPARTMENT WILL SHORTLY SEND DIPLOMATIC NOTE INDICAT-
ING ITS INTEREST IN BEGINNING FORMAL TALKS ON A BILATERAL
ANTITRUST AGREEMENT. KISSINGER

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